

APPEAL NO. 030313  
FILED MARCH 25, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 3, 2002, and January 7, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable injury and that he did not have disability. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

There is a contention that claimant's lay representative, Mr. G, missed the beginning of the first hearing. The first page of the transcript of the proceedings reflects that the hearing officer had just identified himself and his role in the hearing, and then the hearing officer said, "Claimant has appeared, [Mr. G] just appeared . . . ." The hearing officer then stated that he had told Mr. G that he could go and get some paperwork, but that Mr. G "didn't come back." The hearing officer said, "So I wasn't sure what the status was, so I went ahead and went on the record to make a record of who was present and who was not present." Mr. G stated that he had returned "as soon as possible," but no objection was made. Any possible error in this regard has been waived. In any case, the record does not reflect that there was any prejudice to claimant in this regard.

Claimant contends that the hearing officer erred in failing to start the testimony all over at the second hearing. The first hearing on October 3, 2002, had been continued because claimant asserted that he wanted to be represented by an attorney. Instead, claimant returned for the hearing on January 7, 2003, with the same lay representative he had at his first hearing. The hearing officer heard arguments in this regard and concluded that he would consider the testimony from both hearings and that there was no need to proceed as though the first hearing had not occurred. We perceive no reversible error in this regard. Claimant also contends that the hearing officer "terrorized" him. Our review of the record does not support this contention or show that the hearing officer exhibited bias or prejudice.

Claimant contends that the hearing officer erred in determining that he did not sustain a compensable injury and that he did not have disability. Claimant asserts that the hearing officer did not remember the testimony from the first hearing, which was continued. However, there is nothing in the record to show that the hearing officer did not consider all the evidence from both hearings. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the

record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **WEST AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RAY WILSON  
9602 CABIN CREEK DRIVE  
HOUSTON, TEXAS 77064.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

CONCUR IN THE RESULT:

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Roy L. Warren  
Appeals Judge